



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
January 12, 2021, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members Mike Henry, Craig Overstreet, Dwain Mathers (via teleconference), Jim Hemby and Terry Williams were all present. City staff members Ben White, Sandra Green, Rick Ranspot, Daphne Hamlin, Kim Morris, Michael Sullivan and City Attorney Alan Lathrom were also present.
- Prayer was led by Mike Henry followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Hall will be closed on Monday, January 18th in observance of Martin Luther King, Jr. Day.
 - Rike Lifetime Service Award – Mr. Robbie Tedford
 - Mayor Wiebold stated he wanted to honor Mr. Robbie Tedford with the Rike Lifetime Service Award for his 40 plus years of service to the city.
 - Robbie Tedford said a few words of thanks.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward in person or via teleconference.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- Miranda Martin, who resides at 2973 CR 645 and is the Chairman of the Parks & Recreation Board, addressed the City Council. She stated she is asking that the

funds coming from the Little League be allocated to the same fund as the parkland dedication.

- Estes Garner, who lives at 215 Wilcoxson, stated he is concerned because of the safety of the children in his neighborhood. He is now concerned because the hole that his neighbor dug has water in it. He is asking Council to follow the law and have the neighbor fill it in.

IV. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes for 12-8-20
- B. Board of Adjustment Minutes for 12-8-20
- C. City Council Special Minutes for 12-21-20
- D. Police Department Annual Report
- E. Public Works Report
- F. City Financial Report
- G. City Manager’s Report

- Mike Henry pulled the Public Works Report.
 - Motion to approve A – D, F & G made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- Mike Henry asked about the traffic signals at U.S. Highway 380 and Collin Parkway.
- Ben White stated we originally thought we could get by without removing the signal cabinet and the arm. He explained they had to decrease the scope on the Collin/Farmersville Parkway project to handle it. He also pointed out that the Chaparral Trail improvements and the grant paperwork are moving forward. We are still on track to get the grant applications submitted by February. Also, 4B approved a budget amendment for another \$50,000.00 for the trail.

- Motion to approve Public Works Report made by Mike Henry
- 2nd to approve was Terry Williams
- All council members voted in favor

V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

- A. City Amenities Board
 - 1. Possible Council Liaison Report

- B. Farmersville Community Development Board (Type B)
 - 1. Financials
 - 2. Possible Council Liaison Report
 - Terry Williams sated they approved an amendment to the budget for the Chaparral Trail grant. They also approved their November and December payments along with an amendment for a \$5,000.00 training budget.

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Financials
 - 2. Possible Council Liaison Report

- D. Main Street Board
 - 1. Possible Council Liaison Report

E. Parks & Recreation Board

1. Possible Council Liaison Report

F. Planning & Zoning Commission

1. Possible Council Liaison Report

- Mike Henry stated they met and held a public hearing regarding Camden Park rezoning from Commercial to PD SF-3 and was unanimously approved. He said they held a public hearing for the sign ordinance changes as well. He stated the Collin College final plat was approved unanimously and recommended to Council.

G. TIRZ Board

1. Financials

2. Possible Council Liaison Report

VI. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon Ordinance #O-2021-0112-001 regarding a request to amend Ordinance #2015-1027-001 that established the zoning on approximately 100.81 acres of land in the W. B. Williams Survey, Abstract No. 952, which land is now known as the Camden Park Subdivision ("the "Property") to rezone approximately 18.003± acres situated between County Road 611 (South Collin Parkway) on its eastern boundary and Harvard Boulevard on its western boundary in an area north of U.S. Highway 380 (W. Audie Murphy Parkway) from PD - Planned Development for Commercial uses to PD – Planned Development for SF-3 – Single Family Dwelling – 3 district uses for detached single-family dwellings, adopt certain development standards therefor, and modify the requirements of the base zoning district set out in subparagraph (3), "Area, Yard and Bulk Requirements," of Section 77-52(e), "SF-3 — Single Family Dwelling-3," and amend any conflicting provisions of Sections 77-61(a) and (c), 77-62(a) and (b)(8), 77-63(a), 77-64(a) and (b)(1), and 77-65(a) of the Farmersville Code as follows:

- (a) reducing the minimum lot area from 5,000 square feet to 4,000 square feet;
- (b) reducing the minimum lot width from 50 feet to 40 feet;
- (c) reducing the minimum front yard from 25 feet to 10 feet and including a 10' wide public utility easement in each front yard;
- (d) reducing the minimum side yard on corner lots from 15 feet to 10 feet;

- (e) increasing the minimum lot depth from 90 feet to 100 feet;
 - (f) increasing the minimum rear yard from 10 feet to 20 feet;
 - (g) increasing the maximum lot coverage from 50 percent to 60 percent (including the main dwelling unit, garage, and all accessory buildings);
 - (h) increasing the minimum floor area from 750 square feet to 1,200 square feet; and
 - (i) modifying the maximum height from 2 stories and 40 feet to 2.5 stories and 35 feet.
- Mayor Wiebold read the caption of the Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. O-2018-0508-001, AS AMENDED, OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING PLANNED DEVELOPMENT ORDINANCE "PD-2015-0922-002- SF-3/MF-2/C" TO CHANGE THE ZONING ON APPROXIMATELY 18.003 ACRES OF LAND SITUATED BETWEEN COUNTY ROAD 611 (SOUTH COLLIN PARKWAY) ON ITS EASTERN BOUNDARY AND HARVARD BOULEVARD ON ITS WESTERN BOUNDARY IN AN AREA NORTH OF U.S. HIGHWAY 380 (W. AUDIE MURPHY PARKWAY) IN THE W. B. WILLIAMS SURVEY, ABSTRACT NO. 952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, WHICH LAND IS PART OF AN APPROXIMATELY 100.81 ACRES OF LAND IN THE W. B. WILLIAMS SURVEY, ABSTRACT NO. 952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, KNOWN AS THE CAMDEN PARK SUBDIVISION FROM PLANNED DEVELOPMENT (PD) DISTRICT WITH COMMERCIAL (C) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT WITH SF-3 – SINGLE FAMILY DWELLING – 3 DISTRICT USES FOR DETACHED SINGLE-FAMILY DWELLINGS, ADOPT CERTAIN DEVELOPMENT STANDARDS THEREFOR, AND MODIFY THE REQUIREMENTS OF THE BASE ZONING DISTRICT SET OUT IN SUBPARAGRAPH (3), "AREA, YARD AND BULK REQUIREMENTS," OF SECTION 77-52(E), "SF-3 — SINGLE FAMILY DWELLING - 3," AND AMEND ANY CONFLICTING PROVISIONS OF SECTIONS 77-61(A) AND (C), 77-62(A) AND (B)(8), 77-63(A), 77-64(A) AND (B)(1), AND 77-65(A) OF THE FARMERSVILLE CODE REGARDING CERTAIN DIMENSIONAL STANDARDS APPLICABLE TO THE "SF-3 — SINGLE

FAMILY DWELLING - 3" USES IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage and publication as required by law.

- Mayor Wiebold opened the public hearing at 6:21 p.m.
- Jim Foy, who resides at 211 College Street, stated he was concerned because the ordinance does not state anything about requiring alleys and they are asking for reduced front yard setbacks. He said he is afraid if the zoning is granted they could change their plan and not have alley's and could causing parking issues on the streets. He wanted them to add something to the PD Ordinance that requires alley's in the planned development.
- Mike Henry asked if the development was going to be rental houses owned and managed by the developer. He said that is not stated in the ordinance and he is concerned because there is nothing indicating how the properties would be maintained or cared for.
- Jeff Crannell from CCM Engineering and the representative for the developer, stated the homes would be rental units. He explained the maintenance and care of the properties would be taken care of in the deed restrictions and covenants on the properties.
- Mike Henry asked about the width of the streets and showed concern if people parked on the street whether there would be enough room for fire trucks.
- Jeff Crannell stated that is why they like the rear entry. He said they would have a rear entry, two car garage and space behind the garage in the driveway to park. He explained that since they do have alley's it typically reduces people parking on the streets.
- Dwain Mathers asked about the ten foot front yard setback and asked if that was standard for this type of development.
- Jeff Crannell stated that it was. The houses have front porches and the front setback would get them closer to the street. He said it also gives a little bit more room for the house.
- Dwain Mathers asked if this is the same product that is in Forney because those are rentals houses.

- Jeff Crannell stated it is identical to the development in Forney.
- Dwain Mathers asked what the maximum and minimum square footage of the houses would be.
- Jeff Crannell stated he is not sure what the size of the houses would be. But, he thought they were in the 1,400 – 1,800 square foot range
- Mike Henry stated the brochure he read showed the houses to have four bedrooms. He said a house that big would have to be at least 1,200 square foot.
- Mayor Wiebold asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:34 p.m.
- Craig Overstreet stated he met with the developer in Forney last year. He explained the houses and property were two and a half stories and well maintained but his concern is not with the product, but with the property itself. He is concerned about density and the egress and ingress. He explained the city already has three residential housing phases with traffic trying to get out and adding more traffic could be a problem. He is also concerned with parking on the streets.
- Jeff Crannell stated the design would allow them to have the additional entrances on Collin Parkway and Harvard.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Jim Hemby
 - Council members voted as follows: Dwain Mather, yes; Terry Williams, yes; Jim Hemby, yes; Mike Henry, no; Craig Overstreet, no
- Mayor Wiebold stated the zoning request was approved 3 to 2.

VII. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2021-0126-001 regarding grading and excavation.
- Mayor Wiebold read the caption to the ordinance.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 26, "ENVIRONMENT," THROUGH THE AMENDMENT OF ARTICLE II, "FLOOD CONTROL," BY ADOPTING A NEW DIVISION 4 TITLED "FILLING, GRADING, EXCAVATION, AND

OTHER SOIL DISTURBING ACTIVITY” TOGETHER WITH NEW SECTIONS 26-101 THROUGH 26-114 AS PROVIDED HEREIN-BELOW, AND AMENDING APPENDIX A, “MASTER FEE SCHEDULE” TO INCLUDE PERMITTING FEES FOR FILLING, GRADING, EXCAVATION, AND OTHER SOIL DISTURBING ACTIVITY PERMITS ON PRIVATE PROPERTY; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

- Ben White stated that at the last meeting the Council was given a chance to review the ordinance and come back with comments. He read a few of the definitions outlined in the ordinance. He said the purpose of this ordinance was to require a permit for grading and excavations.
- Mike Henry asked Alan Lathrom if the ordinance covered erosion control for new construction.
- Alan Lathrom stated it did not. He explained the city does not have a SWPPP program because of its size. He stated we could add silt fencing and storm drain inlet protection to keep it off the streets and out of the storm drains. The Subdivision Ordinance would be a good place for it to appear.
- Ben White stated if we put it in the Subdivision Ordinance it would be in one place.
- Alan Lathrom stated he would add some wording for it in this ordinance and reference the Subdivision Ordinance. He said we will have to change the Subdivision Ordinance to get it to match up.
- Councilmembers all recommended five acres for the size of the property in order to allow a pond.
- Dwain Mathers stated the critical thing is that the pond fits in on the property. He explained the issue he has is he would require a fence.
- Jim Hemby stated he does not want to tell someone they have to put a fence around their pond. He stated he felt like that is the homeowner’s responsibility.

- Dwain Mathers stated that most of the people with large acreage would have some type of fence to keep in their cattle on their property all ready.
- Mayor and Council agreed on the five acres being fine.
- Ben White asked if they wanted the provision of the pond or stock tank being 100 feet away from the fence.
- Mayor and Council was okay with that provision in the ordinance.
- Mayor Wiebold asked about the signage that was discussed in the ordinance.
- Alan Lathrom stated the sign would have contractor information on it so someone could get in contact with them if needed.
- Dwain Mathers asked if someone had ten acres and they want to build a pond would they have to have a fence. He said he is not sure that would be practical and he feels that it would be cost prohibited.
- Jim Hemby stated that most people with that much land would already have some type of fencing.
- Alan Lathrom stated a Koi pond is not required to have a fence unless it is more than three feet deep.
- Mike Henry stated we require fencing around swimming pools and the thought process is that the property be fenced or the pond area.
 - Motion to approve the first reading with the requested changes made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon the Final Plat of Collin College Lot 1, Block A.
- Ben White stated the City Engineer has reviewed the plat and is recommending approval.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- B. Consider, discuss and act upon Resolution #R-2021-0112-001 updating the city's investment policy.

- Ben White stated we are required to re-adopt the policy every so often and we place a requirement that all our investments are low risk.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

- C. Consider, discuss and act upon an interlocal agreement with Collin County regarding animal control.
 - Ben White stated this is the yearly renewal for the interlocal agreement and staff recommends approval.
 - Sandra Green clarified that it was for the use of the animal shelter.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All council members voted in favor

- D. Consider, discuss and act upon an interlocal agreement with Collin County regarding the Rike Library.
 - Ben White stated this is an interlocal agreement we renew every year because of county patrons that use our library.
 - Motion to approve made by Terry Williams
 - 2nd to approve was Mike Henry
 - All council members voted in favor

- E. Consider, discuss and act upon a contract extension for Eddie Peacock, PLLC for financial support services.
 - Ben White stated it is taking more time than what was expected for him to complete the work. The contract would extend to February 28, 2021.
 - Craig Overstreet asked if he is doing our end of the year adjusted entries.
 - Daphne Hamlin stated that is what it is for and she assumes he is half way done.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All Council members voted in favor

F. Update on the Development Agreements with Patriot Concrete and Nelson Bros. Concrete.

- Ben White stated County Road 699 construction is continuing. He indicated the turn lane, except for the interconnect, was complete. The south bound lane is being formed up but is 50% complete. The north entrance is being formed now to connect to the south bound lane and they have two entrances left. We will have signage to put up and grading to finish the project. He stated that the Planning & Zoning Commission also continues to work on zoning for the property.
- Craig Overstreet asked about the lighting and the concerns others have brought up about that.
- Ben White stated he has not followed up on that, but he does not think it has been fixed yet.
- Craig Overstreet asked about the sales tax reports and water sales. He wants trend analysis presented to the Council.
- Dwain Mathers asked where the Planning & Zoning Commission was in the process of the zoning ordinance.
- Ben White stated they are going to make a recommendation to City Council soon. They denied the high impact zoning, but they are reviewing the ordinance to make changes to it.
- Mike Henry stated they are talking about changing the name of High Impact to a Heavy Industrial -2 zoning classification.

G. Update on the Council Chambers audio visual equipment.

- Ben White stated we have the new microphones that are working well. He explained we are looking into using a new software program to help with our web-based broadcasting. He is working with Fulcrum right now to get Teams up and running.

H. Discussion regarding the possibility, time frames and steps of becoming a Home Rule City.

- Ben White stated there are several events that would have to take place to order a charter election. He said there are several reasons why a city would want to become a home rule city. It does allow for recall elections and recalling & petitioning of legislation that we have on the books, except zoning. He said it would also allow for utilities to be included in our infrastructure such as fiber. He explained we could legislate where sex offenders could live. We had tried that at one point and were told we were

not allowed because the city is a general law city. It would extend our ETJ from ½ mile to one mile and it would allow us to plat more area and enforce the nuisance ordinance in the ETJ. The next step would be to have a resolution for review at the next meeting for Council to determine if the city has at least 5,001 inhabitants.

- Dwain Mathers asked the status of the charter that was written.
- Ben White stated there was one written and there may be some minor corrections that would have to be made. We may have to get the Charter Commission back together to review the document.
- Alan Lathrom stated the Charter Commission completed the charter and recommended it for approval. He explained the City Council does not have the ability to review the charter, make comments on it, or change it. The role of the Council would be to approve a resolution stating the city has at least 5,001 inhabitants and then call the election.
- Dwain Mathers asked since they have already written a charter could they start the writing process over if they wanted to write a different one.
- Alan Lathrom stated the Council has the ability to create another Charter Commission and start from scratch if that is what they desired.
- Craig Overstreet stated that as co-chairman of that committee he would not start the process all over again. He stated that he feels the document is ready and urged Council to not start over.
- Alan Lathrom said the commission utilized different charters from McKinney, Prosper and Wylie to pull the document together.
- Ben White stated the charter is ready to move forward.
- Dwain Mathers asked if Craig Overstreet was in favor of going home rule.
- Craig Overstreet stated he was a strong proponent of the charter and becoming home rule. He explained the document has to be mailed out to every registered voter before the election so it can be reviewed. It is a very generic document that would be good for the city because it would give the citizen more power.
- Dwain Mathers asked what the downside would be to becoming home rule.
- Ben White stated that in his opinion there were only good reasons.
- Craig Overstreet stated that one change they added in the charter was the terms of office was moved from two years to three years for councilmembers and some may feel that is negative.
- Alan Lathrom stated he does not see a negative to becoming home rule because adopting the charter is like having the city's own constitution. All the home rule cities adopted ordinances to where sex offenders could not live next to schools or where kids would generally congregate. Small, general law cities tried to adopt the same ordinance and the Attorney General stated they could not adopt those rules.
- Dwain Mathers asked if the Council could change the term limits if they wanted to once the charter was approved.
- Alan Lathrom stated the City Council does not have the ability to change anything in the charter at this time. He indicated that in three years they

could because a city can only review their charter every three years. After three years the Council could have a Charter Review Committee come together and make any changes.

- Craig Overstreet stated the three year term limit was set up to allow the expertise of the councilmembers more time. The commission felt that councilmembers are just starting to understand things more around the two year mark.
- Alan Lathrom explained that he believes it stated that a councilmember could serve two consecutive terms.
- Mike Henry asked how the 5,000 population was being determined.
- Ben White stated it is based on inhabitants and not population. They took in to account the nursing and rehabilitation homes and counted all of the apartments and new developments that were predicted and used a multiplier.
- Mayor Wiebold stated that home rule was established to help citizens make better decisions to help the city.
- Alan Lathrom stated the Texas Constitution sets out the home rule authority.
- Mayor Wiebold asked why 5,000 was a magic number.
- Alan Lathrom stated because that is what is spelled out in the Texas Constitution and 5,001 inhabitants or more are required to be living in the city in order to hold the election.
- Ben White stated he needed direction from Council as to whether they want to move forward.
- Councilmembers agreed they wanted to move forward.

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted several items on the next agenda:
 - Sales taxes and utilities for Patriot Concrete
 - Sign ordinance changes for painting of walls
 - Smart meter installs
 - Collin-Farmersville Parkway Construction update
 - Summary report of TxDOT conducting work from Hunt County Line to CR 560
- Dwain Mathers wanted an update on the Comprehensive Plan Maps and changes.
- Mike Henry wanted the following items on the next agenda:
 - Update on the CARES Act fund distribution
 - Overview of the Farmerville Lights program
 - Update on streamlining building processes
 - Update on the ROW for Collin Parkway

X. **ADJOURNMENT**

Meeting was adjourned at 8:00 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC, City Secretary

